

# HOT LEGAL BATTLE FOR PRETTY TINY HEIRESS.

Gouverneur Kortright and His Wife Arrayed Against Each Other---His Daughter Her Stepchild.



The Child Heiress for Whose Custody Father and Stepmother Are at Law.

## Tiny Heiress's Tree and Fortune.

The family connections and fortune of seven-year-old Alice Gouverneur Kortright, for whose guardianship relatives are struggling, are as follows:

**HER FATHER**—A descendant of the earliest Knickerbockers.

**HER MOTHER**—The daughter of a millionaire pork packer.

**HER STEPMOTHER**—A descendant of one of the Mayflower Pilgrims.

Present annual income	\$6,800
Present wealth	75,000
To inherit on the Knickerbocker side	200,000
To inherit on the Pilgrim side	200,000
To inherit on the pork-packer side	2,000,000
Respectively income	150,000

**ALICE GOVERNEUR KORTRIGHT**, only seven years old, but already the possessor of an annual income of almost \$7,000, with far greater wealth in prospect, sat in Part II. of the Supreme Court yesterday while a contest went on in regard to her fate. Justice Daly presided, while relatives and lawyers contested.

The little girl's father, Gouverneur Kortright, descendant of one of the earliest, wealthiest and most exclusive families of the old Knickerbocker aristocracy, was there. His wife, Mrs. E. Therese Kortright, traces direct descent from the Mayflower Pilgrims. **There** and **little Alice**, all unconscious of the honor of such connections, and unconscious, too, of the fact that, in all probability, she will in time be the possessor of a huge fortune made in the prosaic Cincinnati pork packing, was also in the court.

Her husband and wife did not speak to each other. Mr. Kortright, whose face still showed effects of the serious illness that recently threatened his life, sat near the front of the court room beside his first wife's sister, Miss Ada Phillips. Mrs. Kortright, tall, handsome and distinguished, sat in a chair at the very rear. She is the stepmother of the little girl.

**Father Springs a Surprise.**

A surprise was sprung at the opening of court when John M. Bowers and James W. Gerard, attorneys for Mr. Kortright, asked that the court give the child into the custody of Miss Phillips.

It seemed for a moment that this would be the case, but John D. Lindsay, attorney for Mrs. Kortright, vehemently protested. He said that it was not only unjust to his client, but that it would also be unjust to the little girl, as he did not believe that it was for the child's best ultimate interests that Miss Phillips be its guardian.

The little girl is charmingly beautiful. Her eyes are full and deep. Her features are regular. A mass of curly hair, from under a big hat and clusters about her face. She seemed greatly puzzled by much that was said, except that she plainly understood that there was a quarrel and that she was the subject of it.

**Impartial in Her Smiles.**

She smiled contentedly when she opept to her father's side. She smiled sweetly at her aunt, Miss Phillips. And then, glancing back at Mrs. Kortright, she smiled as gravely as her in turn.

The child was born in 1890, and the

mother died at the same time. The married life of Mr. Kortright had been but brief. He had long been known as a confirmed bachelor. He was a yachtsman and a member of many clubs. He married the daughter of a millionaire pork packer. When, in a short time, he became a widower, he gave the child to the care of Miss Phillips, his deceased wife's sister. In 1894 he married again. He married a handsome Mrs. Alfred E. Youngs. She had applied for a divorce from her husband, but before the case could be heard he died of apoplexy. Her marriage to Mr. Kortright quickly followed. She inherited a large fortune. She is a descendant of the Mayflower Pilgrim Peregrine White.

**Second Marriage Brought Trouble.**

Little Alice was taken to live with her father and stepmother. In time serious illness came to Mr. Kortright. He was attacked with brain fever, and went for a time to a sanitarium, and the family life was much broken up. What disposition to make of the child was a serious problem, and the cause of disagreements. A few weeks ago Mr. Kortright wrote from his home in Rhode Island where he was recuperating from his illness, asking that his wife send his child to him. Alice was in Saratoga with Mrs. Kortright. The stepmother refused to send the child, whereupon Mr. Kortright went to Saratoga last week with his lawyer, and the two courted Alice to New York.

Legal proceedings had at once instituted by Mrs. Kortright, and on Wednesday at the Allamuchy, Alice is living with her father. The court yesterday refused to send the child, whereupon Mr. Kortright went to Saratoga last week with his lawyer, and the two courted Alice to New York.

Attorney Lindsay asked that a referee be appointed to decide the case, but Mr. Bowers insisted that the case be heard at once.

Do you question the legal right of Miss Phillips to this child, when her father wishes her to have it?" asked Judge Daly of Attorney Lindsay.

"We do not question the legal right, but we question whether it will be for the best interests of the child," retorted Mr. Lindsay.

**Promise to a Dying Mother.**

Miss Phillips was called to the stand. Perfectly dressed, self-poised and calm, she took the witness chair. She said that she was living with her sister, Mrs. Bradford, at the Allamuchy. Alice is living with her father. She said that she had been promised to the child by her mother.

Q. Did you have control of the child immediately after the death of your mother? A. Yes, Mr. Q. And do you think that Miss Phillips is a fit person to have the custody of the child? A. Yes, Mr. Q. And do you think that Miss Phillips is a fit person to have the custody of the child? A. Yes, Mr.

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estate and first-class securities, and the large share of her father was left by will in such a way that Mr. Kortright has the interest, while the principal will go to his daughter Alice at his death. Half of the millions left by the Cincinnati pork packer will also, it is expected, in time go to Alice Gouverneur Kortright, as her uncle's estate on the Phillips side have reached or are approaching middle age, and nearly all are unmarried. She has but one cousin on the Phillips side and with that boy she will eventually divide the huge Cincinnati fortune.

The legal guardian of the child will have the control of all this. The girl is of age. It is understood that it is largely on this account that Justice Daly is proceeding in the case with such deliberation.

**No Divorce Suit Pending.**

The attorneys of Mr. Kortright were seen after yesterday's hearing, and stated positively that no action for a divorce or separation had been begun by either Mr. or Mrs. Kortright. Mr. Kortright is staying at the Albemarle, but could not be found there yesterday, nor at any of his clubs.

The home of the Kortrights is at No. 15 East Fifty-sixth street. When a Journal reporter called yesterday afternoon the servant thought Mrs. Kortright was at home, but in a little while came back with the statement that she had gone away. Then the voice of a woman was heard from the house. Mrs. Kortright does not think that any death-bed request or promise was made by the first Mrs. Kortright," she said.

When asked what prompted the strong interest of Mrs. Kortright in the possession of her stepdaughter, she said:

**Fears for Her Husband's Future.**

"It is because Mrs. Kortright solemnly promised her husband that she would always care for Alice. She is a charming and lovable child. Mr. Kortright has, as you know, been very ill, and Mrs. Kortright believes that he is at present, under the undue influence of the Phillips family, and that he will deeply regret, if he lives, the steps that he is now undertaking to take."

**Madrid Is Eager for Peace.**

So are all our competitors. King's, the great clothiers, have had a war of prices with them for some time past, selling such extraordinary values for little money and crowding our store daily. A few specials for today that will surprise you. Men's blue, gray and brown serge suits, \$32.25 to \$42. Men's cutaway clay diagonal coats and vests, \$35.50 to \$42. Men's sack suits, Scotch cloth, \$34.50 to \$42. Men's pincup straw hats, to close, 50c. Men's cashmere and imported worsted pants at \$1.96, worth \$3.50. These prices will soon silence competition. King's, the great clothiers, corner Broadway and Park place. Open this evening.

**A Father's Love.**

When the gallant boys of the new famous Seventy-first Regiment come marching home from the war they will find the whole Union holding out willing arms to receive them. There were some great feats of heroism on the march and on the field. All the praise they have and will receive upon their return is well earned. Professor Fancull, the old leader of the Seventy-first Regiment Band, has written a remarkable march called the "Gallant Seventy-first," which, by the time the boys land on American soil again, will be famous all over the Union, as the great musical supplement of the New York Sunday Journal is to issue this composition tomorrow in full music folio form. It is to be one of the most artistic things ever produced from our press rooms, and the general public will thoroughly appreciate its stirring music. Order the paper to-day, as it is your last chance.

# PTOMAINES KILL TWO CHILDREN.

The Entire Abelstein Family Prostrated by the Insidious Poison.

SAY ICE CREAM CAUSED IT.

Two Quarts Bought from an Italian Pedler Eaten by Mother and Four Children.

WAS A FOURTH OF JULY TREAT.

The Mother, Who Is at Mount Sinai Hospital, Is Dangerously Ill, and Does Not Know of Her Children's Death.

**DIED FROM PTOMAINES.**  
ABELSTEIN, ELLA, five years old.  
ABELSTEIN, ROSE, fifteen months old.  
**SERIOUSLY SICK.**  
ABELSTEIN, ANNA, mother of the children. At Mount Sinai Hospital.  
ABELSTEIN, DINAH, four years old.  
ABELSTEIN, JENNIE, eight years old.

Side by side in the mortuary room of Mount Sinai Hospital, at Sixty-sixth street and Lexington avenue, lie the bodies of five-year-old Ella Abelstein and her baby sister, Rose. They are victims of ptomaine poisoning, ice cream being the vehicle. In a ward of the hospital lies Anna Abelstein, the mother of Ella and Rose. Death is very close to her—so close that the least influence would turn the balance. There is a hope for her life, and because of this the nurses have not dared tell her that her children are dead. She knows that they are sick, but she has been told that they are not in danger. She spends her conscious moments in listening for their voices or sending them messages. Two more of her children, Dinah, aged four, and Jennie, aged eight, are under a doctor's care at their home, No. 1708 Park avenue. They will get well.

Mrs. Abelstein and her four children lived in a flat at No. 1708 Park avenue. Mrs. Abelstein, a hard worker, has not too much time with her children at the best, and when the Fourth of July drew near, a mother determined to make the holiday a thoroughly enjoyable one to the children. Money had been specially set aside for the purchase of huge and crackers, for even if the Abelstein family was composed of girls, it was determined to do its share toward the general celebration.

After the fireworks had been properly discharged the children were dressed in their best and the whole family went to spend the afternoon in Bronx Park. They took no lunch with them, because Mrs. Abelstein had laid in a stock of provisions for a comfortable early supper. Last night some could quite remember of what the supper consisted, but they could remember that none of it was cooked that night and that the staples were canned beef, canned tomatoes and ice cream.

**Treat for Baby Rose.**

The ice cream came as a special treat in honor of baby Rose, who had never tasted the delicacy and had been tempted by seeing children eating it in the park. Jennie, the oldest daughter, supplied with a big white pitcher, was sent out to get as much ice cream as she could for thirty cents.

Jennie knew the neighborhood thoroughly and she knew that thirty cents' worth of ice cream would not be much if she bought it from a pedler on a bicycle. She went on an expedition, and managed to find an Italian pedler who was willing to sell her nearly two quarts of ice cream for thirty cents. Jennie bought the stuff and returned home gleefully.

The whole family ate of the ice cream. Mrs. Abelstein says she did not taste quite right, but seems to have consoled both herself and the children with the popular notion that children are never hurt by anything. Not a drop of the cream was left by the time the children were satisfied. Soon afterward they went to bed.

In the middle of the night Mrs. Abelstein was awakened by the cries of baby Rose. She went to her room and found her lying on her back, her face pale and her hands cold. She called for a doctor, and exhibited symptoms of convulsions. Mrs. Abelstein lighted the gas and prepared to combat the attack, whatever it might be. An hour later Ella was prostrated with exactly similar symptoms. Then Mrs. Abelstein was taken ill.

Thoroughly alarmed, she called a neighbor, and the two tried every remedy they could think of to control the obstinate vomiting and colic, which were the chief symptoms. Mrs. Abelstein soon became practically helpless from pain and the work of caring for the children devolved upon the neighbor, Jennie and Dinah, who were awakened by the groans of the others, withstood the action of the poison longer or any, but when danger was imminent their pain was as intense as that of any of the others.

**Whole Family Prostrated.**

When Dr. Leyden was called he found the whole family prostrate. Ella and Rose were almost pulseless, while the mother was in a severe condition. Jennie and Dinah were fairly strong, their systems having thrown off the worst of the poison before made paralytic effects had had time to develop. Mrs. Abelstein soon became practically helpless from pain and the work of caring for the children devolved upon the neighbor, Jennie and Dinah, who were awakened by the groans of the others, withstood the action of the poison longer or any, but when danger was imminent their pain was as intense as that of any of the others.

They were unbidden worshippers, but neither pastor nor flock ever thought of disturbing them. It would have seemed like disregarding the text graven over the door of the old Presbyterian Church at Union, N. J.—"Come all ye that labor and are heavy laden."

The bees labored, and they were heavy laden with pollen and other stock in trade when they flew nobly in at the windows and buzzed around the rafters on Sunday mornings when the congregation was studying and praying. But as they neglected nobody, nobody molested them for ten years they were looked upon as free tenants of the old church.

Something went wrong with one of the large windows a few days ago. It would not shut and carpenters were set to work on it. They fetched their ladders and proceeded to seek the cause of the trouble. They were not long at fault, for a swarm of protesting bees issued from some unexpected recess. But for the forbearance of the insects it would have been a painful experience for the carpenters, but ten years in a Presbyterian Church seemed to have softened the nature of the bees, and they did not offer to sting.

One of the carpenters, Wallace Burnett, knows all about bees, and he provided the necessary appliances for tending their home. When an opening had been made between the window frame and the wall, the bees were driven out of the house, and with honey. It was a rich find, and when all of it had been removed it was found to weigh over fifty pounds. The bees were driven over the church door, but in an unfeasible place. It is proposed to give a church "social" in order that the honey may be eaten, and all agree that the bees have paid their rent.

**GO TO JOIN THE ROUGH RIDERS.**

A Princeton Boy on His Way to Enter the Famous Regiment.

Edward Mann, the eldest son of County Counsel Joseph L. Mann, of Essex County, N. J., left his home in East Orange yesterday for Tampa, Fla., to join Roosevelt's Rough Riders. Young Mann is about four years old, and a graduate of Princeton College.

**See Excursion Column.**  
New 16-cent route to Rockaway Beach.

# NEWPORT BASKS IN THE SMILE OF PRINCE VICTOR.

The Count of Turin the Guest of Mrs. John T. Spencer, and Invitations Pour in Upon His Royal Highness.



Mrs. John T. Spencer, Who Is Entertaining the Court of Turin.

**A** L. L. Newport—that is, all feminine Newport—envis Mrs. John Thompson Spencer, beneath whose roof Prince Victor Emmanuel, Count of Turin, will abide for the next ten days. Mrs. Spencer is a cousin of Mrs. John Jacob Astor, and a clever as well as kind, young woman. Her latest diplomatic triumph makes her the most important hostess in all Newport, for this season at all events.

Mr. and Mrs. Spencer have issued cards for a reception in honor of His Royal Highness this afternoon. Everybody who is anybody will be there. On Monday, again, there will be a big dinner at the

Spencer cottage, and it stands to reason that the Prince will be the central figure of the entertainment. He will be the guest of the Spencers for ten days, and is prepared to endure the painful process of hunting with great good humor.

It is not every Summer that Newport has a prince of the blood royal on its hands, and other hosts and hostesses are scrambling for the honor of entertaining the man who may one day be King of Italy. This evening, for example, the Count of Turin will escape from the guests at Mrs. Spencer's reception to spend for dinner at the private Stewards. It will be a large and fashionable affair, followed by music.

When he consults his magnificent book the Prince perceives a bewildering list of

luncheons, teas, dinners, dances, yachting parties, coaching parties and parties of various other kinds at which he has promised to be the guest of honor. Yet he does not look bored. He has had the training of a soldier, and having made up his mind to pass through the mill at Newport for ten days, nothing can frighten him. Besides, Prince Victor Emmanuel finds people very interesting. It is to study people as much as to study the game that he is wandering far from his native land.

As for Newport, it finds the Prince intensely interesting, quite apart from the social station. The man who fought Prince Henri d'Orleans because he insulted the Italian army has a personal strength enough to command attention anywhere, and the women who meet him find him a charming contrast to the average society beau, whose ideas fluctuate between scintillas and snored hunts.

## HOW CHURCH BEES PAID THEIR RENT.

For Ten Years They Stored Honey in the Old Place of Worship.

## HORSEWHIPPED MAN AND WOMAN.

Amos R. Doremus and Mrs. Lowe Thrashed by Unknown Driver.

## BABY DYING FROM MOSQUITO BITES.

First Case Reported This Season from New Jersey.

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Middleton, July 15.—Amos R. Doremus and Mrs. Arundella Lowe, a pretty widow, while driving together last night in Goshen, were furiously horsewhipped by a mysterious unknown man. The team ran away, and both Doremus and the woman were thrown out. Their assailant escaped.

Mrs. Lowe is coming to her home, suffering from severe internal injuries. The affair is wrapped in the deepest kind of mystery. Doremus and Mrs. Lowe have been much together of late. They drove out to the bang concert and joined in the procession of fashionable equipages moving round and round the square in two continuous lines, going in opposite directions.

There was a sudden dash out of one line by a man driving a high stepper. He stopped up his horse until opposite to Doremus. Without warning he swung his whip, and the man and woman were thrown out. The man was thrown out of the vehicle and lay there unconscious. Doremus clung to the lines and the runaway horse dragged him about one hundred yards. The mysterious man with the high stepper disappeared just as the collision happened. No one seems able to describe him.

Both Mrs. Lowe and Doremus declare they have not the slightest idea who their assailant was.

**Rogers's \$60,000 Fine Remitted.**

The Court of Appeals has set aside the decision of Surrogate Sullivan, of White Plains, who fined Thomas Rogers \$60,000 and committed him to the custody of the State, for one of the creditors of the estate of James Rogers, and William Caldwell were accused of having appropriated \$60,000 in funds of the estate. Rogers refused to pay the alleged shortage when ordered.

**Klondike Victim's Friends at Mass.**

A solemn requiem mass was celebrated yesterday in St. Leo's Church by the Rev. Father Ducey in memory of Victor S. McElroy, a New York dry goods merchant who was lost in the snow on the Yukon T. S. Alaska, on February 13. He had started on a second expedition, of which McElroy had been a member, attended the services.

There are times when the New Jersey mosquito cannot be written about in a humorous vein, and this is one of them. The story is about a dying baby—dying from the effect of mosquito bites.

It is not such a new story, however. Not a summer passes without its mosquito-murdered babies in the pestilential districts of New Jersey, and the work of trying to save these little lives keeps the doctors busy. The case of Baby Rollins is the first reported this season. It is engaging the attention of Dr. Byrne, of Union Hill, and he expresses very small hope of his patient's recovery.

Early this month the Rollins child, whose parents live at No. 330 Fulton street, Union Hill, was bitten by a mosquito over the right eye. The wound began to swell a few days later, and soon the eye was completely closed. The little one, who is only nine months old, suffered terribly, especially on the three occasions when the doctor found it necessary to lance the abscess that had formed in the region of the bite.

Another bite was inflicted on the little sufferer two days ago, this time on the top of the head. The abscessed area swelled and another malignant abscess formed.

"A bad case of blood poisoning from mosquito bites," pronounced Dr. Byrne, nothing how weak the child had grown and how the poison had permeated its whole system.

Baby Rollins is sinking fast, and parents in North Hudson County are anxiously striving to protect their little ones from the bite of the pest which is such a hard some source of profit to the joke writers.

**Val Schmitt Gets Avoca Villa.**

The trouble of the De Shields family, in connection with running Avoca Villa at Bath Ocean, came to an end yesterday when George De Shields, Sr., relinquished his lease on the property to Val Schmitt, the Fulton street hotelkeeper, of Brooklyn.

**SUNDAY JOURNAL "WANTS" BRING MONDAY MORNING RESULTS.**  
Send them early to-day for tomorrow.